



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

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Schwarzenegger
Governor

Linda S. Adams
Secretary for
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19 February 2009

David Bush, Vice President
California Dairies, Inc.
2000 North Plaza Drive
Visalia, CA 93921

CERTIFIED MAIL
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ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2009-0505 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CALIFORNIA DAIRIES, INC., TIPTON MILK PROCESSING FACILITY (WDID 5D541067001), TULARE COUNTY

Enclosed is an Administrative Civil Liability (ACL) Complaint (Complaint) issued pursuant to California Water Code (CWC) section 13385 for violations of Waste Discharge Requirements (WDRs) Order 94-295 (NPDES No. CA0082805) that have occurred at the California Dairies, Inc. (CDI) Tipton Milk Processing Facility in Tulare County.

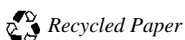
On 16 January 2009, California Sportfishing Protection Alliance (CSPA) submitted comments to the Central Valley Water Board (Board) in opposition to Conditional Early Settlement Offer R5-2008-0629 (Offer) of 9 December 2008 for violations subject to Mandatory Minimum Penalty (MMP) that occurred at the Facility during the period from 1 January 2000 through 30 July 2008. The CSPA requests a public hearing regarding the matter. Because there is a request for a hearing, the Offer is withdrawn and enclosed is an ACL Complaint for the MMP.

The Complaint withdraws the Offer and charges CDI with civil liability in the amount of **one million four hundred and twenty-eight thousand dollars (\$1,428,000)**, which represents the MMPs for the following violations that occurred during the period of 1 January 2000 through 30 July 2008: 112 serious violations of effluent limitations for Group I pollutants; 54 chronic violations of effluent limitations for Group I pollutants; 307 chronic violations of other effluent limitations, including 191 violations of effluent flow limitations that were not included in the Offer; and 3 serious late report violations, two of which occurred after 30 July 2008 but are included in the Complaint as they were for the late submittal of the July 2008 self-monitoring report due under WDRs 94-295.

A hearing will be scheduled for the Board's **23/24 April 2009** meeting in Rancho Cordova in which the Board will consider whether to affirm, reject, or modify the proposed Administrative Civil Liability, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Jill Walsh, **no later than 5 p.m. 24 March 2009 6 April 2009**. This includes material submitted by CDI to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed complaint. Written

California Environmental Protection Agency



materials received after **5 p.m. on ~~24 March 2009~~ 6 April 2009** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

This Complaint has been entered into the California Integrated Water Quality System (CIWQS) database as Regulatory Measure 354958.

If you have any questions or comments regarding the enclosed Complaint, please contact Jill Walsh at (559) 445-5130 or Jo Anne Kipps at (559) 445-5035.

LONNIE M. WASS
Supervising Engineer

Enclosure: ACL Complaint R5-2009-0505

cc w/ encl: Pamela Creedon, Central Valley Water Board, Rancho Cordova
Kenneth Greenberg, USEPA, Region 9, San Francisco
Reed Sato, Office of Enforcement, SWRCB, Sacramento
Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Dan Radelescu, Central Valley Water Board, Rancho Cordova (via e-mail)
Tulare County Health and Human Services Agency, Tulare
Michael Boccadoro, The Dolphin Group, Sacramento
David Cranston, Greenberg and Glusker, Los Angeles
Bill Jennings, California Sportsfishing Protection Alliance, Stockton